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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/014,422	01/27/1998	MASAKI IWAMOTO	1344.1001/JD	4490

21171 7590 05/07/2004

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

23

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/014,422

Applicant(s)

IWAMOTO ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 21-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8, 10-19 and 21-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: appeal brief filed 2/20/03 to the application filed on 01/27/98.
2. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.
3. The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* in view of Krawchuk have been withdrawn in view of Applicants' arguments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
 5. Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11 in view of Wallack (US Pat No. 6,055,550, 4/25/00, filed 3/21/96).
- Regarding independent claim 1, Excel 97 discloses (on page 1):
- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum

of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)

-- the cells selected among the cells to constitute the cross tabulation which includes the *data extracted* from a database (the cells in each row or each column)

-- the graph for displaying the data *extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)

Excel 97 does not disclose automatically extracting a random sampling of data from a database.

Wallack discloses automatically extracting a random sampling of data from a database (col 3, lines 10-67, figure 2, abstract, col 1, lines 24-40: selecting a random sampling of records of fields in a form for auto resizing the selected group of cells by calculating an appropriate size for the selected group of cells based on the sizes of the cells; col 4, lines 1-14, figure 1, col 5, line 64 to col 6, line 27, figure 3B: data for selecting as random sampling can be from a *remote data source*, the sample record data can be text or numbers as in the spreadsheet figure 1, user may request a random sampling of records). Though Wallack discloses applying the random sampling of records for auto resizing the width of the selected cells in a spreadsheet, the fact that Wallack discloses that the data of the cells can be numbers as well as using the size data of the selected cells to perform calculating suggest performing the calculating on the number data of the cells in the spreadsheet.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Wallack into Excel 97 for the following reason.

Wallack discloses the benefit of performing operations on a random sampling of data of a spreadsheet providing the advantage to automatically extracting the random sampling

of data for carrying out operations on a spreadsheet, which is faster than extracting data from a database manually by users for performing calculating in spreadsheet.

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;
- selecting of *cells which include data extracted from a database* in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as "sort descending" by selecting the range A2 to D5 and selecting the Sort Descending icon. The *data changed which is extracted from a database* in the descending order (sequence East-West-North-South now changes to West-South-North-East) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4, which *includes data extracted from a database* (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted from a database* (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8, 10-19, 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that the fact that Krawchuk teaches "to allow random selection within the file" does not disclose automatically extracting a random sampling of data from a database since the "random selection" of data within a file is used to describe the selection of Bricks in non-sequential order, rather than the random sampling of data retrieved from the database in the present claimed invention (Remarks, pages 5-6).

Examiner agrees.

Krawchuk is withdrawn from the rejections.

Wallack discloses extracting a random sampling of data for a spreadsheet from a data source for performing some calculations where the data for random sampling can be numbers (figures 1-2, col 1, lines 24-40, col 3, lines 10-67 as mentioned above).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Wallack into Excel 97 since Wallack discloses the benefit of performing operations on a random sampling of data of a spreadsheet providing the advantage to automatically extracting the random sampling of data for carrying out operations in Excel, which is faster than extracting data from a database manually by users for performing calculating in spreadsheet.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Comer et al. (US Pat No. 5,966,716, 10/12/99, filed 7/14/98, priority 6/6/96).

Comer et al. (US Pat No. 5,819,293, 10/6/98, filed 6/6/96).


Bankes (US Pat No. 6,389,380 B1, 5/14/02, filed 9/16/98, priority 9/16/97).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
4/23/04



STEPHEN S. HONG
PRIMARY EXAMINER